

REMARKS

Claims 18-51 are pending in this application. Claims 22, 23, 33, and 34 have been objected to. Claims 18-21, 24-32, and 35 have been rejected. Claims 19, 22, 28 and 33 have been amended. Claims 18 and 27 have been cancelled without prejudice or disclaimer. Claims 36-51 have been added.

Claims 18-20, 24-28, 30-32, and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Duesman et al.* (U.S. Patent No. 6,078,100). Claims 18-21, 26-30, and 35 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ito* (U.S. Patent No. 5,488,542).

Claims 18 and 27 have been cancelled without prejudice or disclaimer.

Allowable claim 22 has been rewritten to include the language of base independent claim 18 and amended to delete the dependency on intervening claim 19. Deletion of the dependency on intervening claim 19 does not change the patentability of claim 22.

Claim 19 has been amended to depend on claim 22. Because claims 19-21 and 23-26 depend directly or indirectly on claim 22, for similar reasons, claims 19-21 and 23-26 are patentable over *Duesman et al.* and *Ito*, either individually or in combination. Therefore it is respectfully submitted that claims 19-26 are patentable over the references of record.

Allowable claim 33 has been rewritten to include the language of base independent claim 27 and amended to delete the dependency on intervening claim 28. Deletion of the dependency on intervening claim 28 does not change the patentability of claim 33.

Claim 28 has been amended to depend on claim 33. Because claims 28-32 and 34-35 depend directly or indirectly on claim 33, for similar reasons, claims 28-32 and 34-35 are patentable over *Duesman et al.* and *Ito*, either individually or in combination. Therefore it is respectfully submitted that claims 28-35 are patentable over the references of record.

New claim 36 is based on allowable claim 23 including the limitations of base claim 18, but without the limitations of intervening claim 19. Because claim 23 has been deemed to be allowable, it is respectfully submitted that claim 36 and new claims 37-42, which depend on claim 36, are allowable.

New claim 43 is based on allowable claim 34 including the limitations of base claim 27, but without the limitations of intervening claim 28. Because claim 34 has been deemed to be

allowable, it is respectfully submitted that new claim 43 and new claims 44-49, which depend on claim 43, are patentable over the references of record.

New claims 50 and 51 are directed to a semiconductor device having first, second, and third wiring layers. The first wiring layer has a first thickness that is less than the second thickness and the third thickness, and is provided between the second and third wiring layers. New claim 51 is directed to a semiconductor device in which the first wiring layer is provided between the second and third wiring layers and is thicker than the second and third wiring layers. Such features are not disclosed in either *Duesman et al.* or *Ito*, either individually or in combination. The wiring layers of claims 50 and 51 extend in a direction parallel to a surface of a semiconductor substrate. Neither claim 50 nor 51 recite a contact plug which extends in a direction vertical to a surface of a semiconductor substrate as disclosed in *Duesman et al.* Therefore it is respectfully submitted that new claims 50 and 51 are patentable over the references of record.

Claims 22 and 23 and 33-34 have been objected to as being dependent upon a rejected base claim that would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 22 and 33 have been amended and discussed above. Claims 23 and 34 depend on amended claims 22 and 33, respectively. For reasons similar to those described above for claims 22 and 33, it is respectfully submitted that claims 23 and 34 are patentable over the references of record.

It is respectfully submitted that claims 19-26 and 28-51 are allowable, and allowance and issuance of this application is respectfully requested.

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Please charge any additional fees, including any fees necessary for extensions of time, or credit overpayment to Deposit Account No. **07-1896, referencing 2102475-991160.**

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